

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

WALTER JAMAR AVERY,)	
)	
Plaintiff,)	
v.)	Case NO. 3:05cv631-F
)	
LEE COUNTY DETENTION)	
FACILITY, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On August 5, 2005, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed.¹ (Doc. # 6) Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED as follows:

1. That the Recommendation is ADOPTED.
2. That the plaintiff's claims against the Lee County Detention Center, the Lee County Justice Center and the Honorable Jacob Walker III are DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i).
3. That the Lee County Detention Center, the Lee County Justice Center and the Honorable Jacob Walker III are DISMISSED as parties from this cause of action.
4. That this case, with respect to the claims presented against the remaining

¹ In fact, the plaintiff has filed a response in which he agrees with the Recommendation of the Magistrate Judge. *See* Doc. # 11.

defendants, is REFERRED BACK to the undersigned for additional proceedings.

DONE this 1st day of September, 2005.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE